

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No. 05-45-SLR
	)	
LAMAR GAINES,	)	
	)	
Defendant.	)	

**MOTION AND ORDER TO DISMISS**

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Ferris W. Wharton, Assistant United States Attorney for the District of Delaware, and hereby moves this Honorable Court to dismiss Count II of the Indictment pursuant to the Memorandum of Plea Agreement dated July 7, 2005.

COLM F. CONNOLLY  
United States Attorney

By: /s/ Ferris W. Wharton  
Ferris W. Wharton, ID #945  
Assistant United States Attorney

Dated: December 14, 2005

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Sue L. Robinson  
United States District Judge